

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JESSICA SMITH, CORY SMITH,  
MONICA CONTRERAS, and  
RUDY A. CONTRERAS,**

**Plaintiffs,**

**v.**

**No. 21-cv-1084 MV/SMV**

**ALAMOGORDO POLICE DEPARTMENT and  
CITY OF ALAMOGORDO,**

**Defendants.<sup>1</sup>**

**ORDER ADOPTING MAGISTRATE JUDGE’S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition to Dismiss for Failure to State a Claim [Doc. 14] (“PF&RD”), issued on April 28, 2022. The Honorable Stephan M. Vidmar, United States Magistrate Judge, found that Plaintiffs’ Complaint [Doc. 1-1] and Amended Complaint [Doc. 1-2], taken together, failed to state a claim for relief. [Doc. 14]. Accordingly, Judge Vidmar recommended granting Defendant’s Motion to Dismiss [Doc. 4] but also recommended allowing Plaintiffs leave to amend. [Doc. 14]. No party objected to the PF&RD, and the time for doing so has passed. Moreover, Plaintiffs amended their complaint on May 11, 2022. [Doc. 15].


**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the PF&RD [Doc. 14] is **ADOPTED**.

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<sup>1</sup> Plaintiffs’ Second Amended Complaint [Doc. 15], filed on May 11, 2022, named the City of Alamogordo as the sole Defendant.

**IT IS FURTHER ORDERED** that Defendant's Motion to Dismiss [Doc. 4] is **MOOT**.

**IT IS SO ORDERED.**

  
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MARTHA VAZQUEZ  
Senior United States District Judge